

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the Official Action dated February 24, 2004, which has been made FINAL, the Examiner rejected Claims 1-15, 17-36, and 38-52 under 35 U.S.C. §102(e), as allegedly being anticipated by Schneck (U.S. Patent No. 6,314,409) (hereinafter "Schneck"). The Examiner further rejected Claims 16 and 37 under 35 U.S.C. §103(a), as allegedly being unpatentable over Schneck.

Applicants respectfully disagree and submit these further remarks for the Examiner's consideration which, it is respectfully submitted, could not have been earlier presented as they address the Examiner's further rejections under 35 U.S.C. §103(a) which have been made for the first time in the present Office Action.

With respect to the Examiner's rejection of Claims 1-15, 17-36, and 38-52 as being anticipated by Schneck, applicant respectfully disagrees.

The present invention is directed to a system and method for controlling access to electronic information packages including e-mail messages communicated from a sending device to a receiving device at one or more destination locations. The system and method includes determining fulfillment of one or more certain conditions at the destination location; and, implementing control in response to detection of a fulfilled one or more certain conditions to enable access to content provided in a communicated package. One of the fulfillment conditions is verification of the intended recipient at the destination location who will be accessing the e-mail. According to the invention, as claimed, a passive verification system is employed that enables a sender to verify users attempting to access the e-mail, for example, by video or

television monitoring of the users at the destination point. Such passive detection for detecting a user is set forth in Claim 16 for instance which sets forth a video camera system for generating video signals at said destination device and a display device for receiving and displaying video signals at said sending device, said video camera system enabling a sender at a sending device to visually observe users attempting to read or play information package content at a destination device. Applicants take this opportunity to clarify the inventive feature of enabling a sender to visually observe users attempting to read or play information package content and identify the user by visual observation by amending each of independent claims 1, 24 and 41. The amendments to these claims have necessitated corresponding amendments to Claims 16 and 37. Respectfully, no new matter is being entered by this amendment as full support is provided in the specification (See Page 12, lines 9-13 and Figure 1 and 2).

The e-mail access control system of the invention providing a means for enabling a sender to visually observe a user at a destination location is neither taught nor contemplated by Schneck reference which only teaches electronic means at the destination device for verifying/authenticating user access to packaged data. Contrarily, in the present invention, a fulfillment condition includes sender identification of the user, e.g., by visual observation at the sender location.

While the Examiner alleges that dependent Claim 16 is obvious over Schenk, applicants respectfully disagree. Amended Claim 16 (and Claim 37) sets forth the video camera display means at the destination location that is used to enable the visual observation and identification of the accessing user by the sender at the sending location. While the Examiner has rejected the claim based on Schneck at Col. 8, lines 21-27, however, the indicated passage describes a tamper proof mechanism including encrypting output digital signals or scrambling


analog signals, thus requiring the provision of decryption or unscrambling capability in the output device (which may include a standalone device such as a television, VCR and the like. The cited passage does not teach or describe the mechanism as claimed in amended Claims 16 or Claim 37. That is, while Schneck describes an "access" mechanism that connects with a display or output devices (e.g., VCR, video display or TV monitor device), this is not the same as enabling a sender to control user access in the first instance, by a visual observation at the user's (destination) location. Thus, with further respect to the rejection of Claims 16 and 37, it is respectfully submitted that Schneck's use of VCR, video display or TV monitor devices in connection with an "access mechanism" is not suggestive of identification by visual observation as in the present invention. Schneck's use of use of VCR, video display or TV monitor devices is such that these devices become equipped to enable decryption of signals received as per a particular access mechanism, rule, or permission. That is, in Schneck, authentication and access is only performed by electronic means, e.g., access rules in encrypted form encoded therewith.

As Schneck does not teach the mechanism or method step for enabling the sender of the electronic information package to visually observe a person that requests to read or access content information at destination as now set forth in amended Claims 1, 24 and 41, it is respectfully requested that the Examiner withdraw the rejections of Claims 1, 24 and 41 as being anticipated by Schneck. Respectfully, it is further requested that the Examiner withdraw the rejection of all claims on both §102 and §103 grounds, that are dependent upon these amended claims.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a

telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


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